

Serial No.: 10/554,639

Filing Date: 10/26/2005

Attorney Docket No. 515.034US01

Title: UPDATING SYSTEM OF MUSIC INFORMATION , BROADCASTING APPARATUS
OF MUSIC INFORMATION, TERMINAL HAVING UPDATING FUNCTION OF MUSIC
INFORMATION, UPDATING M

REMARKS

The Office Action mailed on April 16, 2008 has been reviewed. Claims 1, 4-12 and 14-16 are pending in this application. Reconsideration of the pending claims is respectfully requested based on the following remarks.

Summary of Examiner Interview

Examiner Bobbak Safaipoor discussed the present application in a telephone interview with David N. Fogg on April 29, 2008. During the interview David Fogg informed the Examiner that the office action mailed on April 16, 2008 was improperly marked as a Final Action. The Examiner agreed with David Fogg that the office action mailed on April 16, 2008 was a non-final office action. The Examiner mailed an interview summary to that effect in an office action dated May 13, 2008.

Thus, the office action mailed on April 16, 2008 and marked as Final Office Action is referred to herein as the "Office Action mailed on April 16, 2008" and is not referred to as the "Final Office Action mailed on April 16, 2008." Likewise, the header to this document indicates an "AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.111" and does not indicate an "AMENDMENTAND RESPONSE UNDER 37 C.F.R. § 1.116 EXPEDITED EXAMINATION PROCEDURE."

Rejections Under 35 U.S.C. § 103

Claims 1, 3-12 and 14-16 were rejected under 35 USC § 103(a) as being unpatentable over Ihara (E.P. Application No. 1 137 210 A2), referred to herein as the Ihara reference, in view of Mackintosh et al. (U.S. Patent No. 6,317,784), referred to herein as the Mackintosh reference, and further in view of Rindsberg et al. (U.S. Application No. 2003/0026344), referred to herein as the Rindsberg reference. Claim 3 has been canceled. The Applicant respectfully traverses the rejection of claims 1, 4-12

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and 14-16.

Claim 1

Claim 1 now recites “said update unit once holds the music information or a newly added difference in music information transmitted from said broadcasting apparatus side constantly repeated or periodically on predetermined days and, when detecting that it is not the same as the already received information, stores the information in said reception side memory unit, and said update unit extracts the music information which is not recorded in the reception side memory unit from the received music database information as the difference in music information and stores the same in the reception side memory unit.”

Neither the Ihara reference, the Mackintosh reference, nor the Rindsberg reference, alone or in combination, disclose, “said update unit once holds the music information or a newly added difference in music information transmitted from said broadcasting apparatus side constantly repeated or periodically on predetermined days and, when detecting that it is not the same as the already received information, stores the information in said reception side memory unit, and said update unit extracts the music information which is not recorded in the reception side memory unit from the received music database information as the difference in music information and stores the same in the reception side memory unit” as claimed in claim 1.

The Examiner acknowledges that Ihara and Mackintosh fail to disclose “said update unit once holds the music information or a newly added difference in music information transmitted from said broadcasting apparatus side constantly repeated or periodically on predetermined days and, when detecting that it is not the same as the already received information, stores the information in said reception side memory unit.” The Examiner asserts that the Rindsberg reference discloses this aspect of claim 1 in Figures 5-6 and paragraphs 24-26.

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The Examiner asserts in the second paragraph on page 5 of the office action dated 4/16/2008, that the Rindsberg application discloses:

An update unit once holds the music information or a newly added difference in music information transmitted from said broadcasting apparatus side constantly repeated or periodically (paragraph 26; read as frequently) on predetermined days (figures 5-6, paragraph 24-26; a desired content database 512 that has for example a favorite song or other descriptors) and when detecting (paragraph 24; read as user presses a single key to input their preferences) that it is not the same as the already received information, stores the information in said reception side memory unit (Figure 5, paragraph 24; storage memory 510 to selectively store descriptors containing user desired content).

The Applicant disagrees with several aspects of this assertion.

The Examiner asserts that “an update unit once holds the music information or a newly added difference in music information transmitted from said broadcasting apparatus side constantly repeated or periodically on predetermined days” is “a desired content database 512 that has for example a favorite song or other descriptors.” The desired content database 512 of the Rindsberg application is not “an update unit for updating the music information in a reception side memory unit with the extracted music information” as claimed in claim 1. More specifically, the desired content database 512 of the Rindsberg application is not the update unit for “once” holding the “the music information or a newly added difference in music information transmitted from said broadcasting apparatus side” as claimed in claim 1 of the present application.

The Examiner asserts that “detecting that it is not the same as the already received information” is a “user presses a single key to input their preferences.” If this assertion is held to be true, then the customization of audio channels is a customization relying on a user’s preference or a user’s desire. The Applicant asserts that this assertion is false and that “a user pressing a single key to input their preferences” is not an update unit “once” holding “the music information or a newly added difference in music information transmitted from said broadcasting apparatus side” that recognizes “that it is not the same

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as the already received information” and that “stores the information in said reception side memory unit.”

The Examiner asserts (with respect to that portion of claim 11, that is now incorporated into claim 1) that the Ihara reference discloses “said update unit extracts the music information which is not recorded in the reception side memory unit from the received music database information as the difference in music information and stores the same in the reception side memory unit” in Figures 5a-5b, and paragraphs 60-61, 82, and 86. Paragraph 60 of Ihara describes:

If the program being provided is still on-going, the process proceeds to step 312, where it is determined whether a predetermined period of time has elapsed for data update from the center. For instance, in the example shown in Figure 5(a), the update period for traffic information is configured as 30 minutes. Therefore, in step 312 the process determines whether 30 minutes have elapsed since the information terminal accessed the center in step 302. If the period has elapsed, the information terminal accesses the center again in step 313 to obtain the latest traffic information and repeat the aforementioned processes.

Ihara relates to certain “information,” which is essential being updated along with the elapse of time, such as traffic information.

Further, in paragraph 71, Ihara describes:

The content of AM/FM analog broadcast is provided to the user via the output means 107 when it is designated as a program to be provided according to the user profile. FM multi-frequency broadcast, digital terrestrial broadcast (radio and television), and digital satellite broadcast (radio and television) broadcast digitally compressed audio data. In such broadcasts, the broadcast includes data that indicates the contents of the broadcast. Therefore, when the broadcast receiving means 118 receives the broadcast, the selection means 117 selects only the data that meet the user's preference according to the user profile, and stores them in the memory means 106.”

That is, in Ihara, the user profile information is obtained in advance by, e.g., a center, and only the data that meets the user's preference is selected or updated. This is not “said update unit extracts the music information which is not recorded in the reception side memory unit from the received music database information as the difference in music

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information and stores the same in the reception side memory unit,” as claimed in claim 1.

In paragraph 86, Ihara discloses “The user can copy a recommended program to the Figure 9(a) by clicking the "Apply" button. While the number of times a program was skipped was utilized to narrow down the profile in the first embodiment, this recommendation is for widening the range of programs from which the user can make a selection.” This is not “said update unit extracts the music information which is not recorded in the reception side memory unit from the received music database information as the difference in music information and stores the same in the reception side memory unit.”

Additionally, the last five lines of the abstract of the Mackintosh reference state:

The information retrieval module forwards the parameters to a second server to retrieve supplemental materials from said second server based on the parameters, and providesteh [sic] supplemental materials to the player for playback with a given program segment of broadcast material.

That is, the Mackintosh additional information is transmitted (updated) to the player side (terminal unit side) from a server side (broadcasting apparatus side) by an information retrieval mode. This is not “said update unit extracts the music information which is not recorded in the reception side memory unit from the received music database information as the difference in music information and stores the same in the reception side memory unit” as claimed in claim 1.

Thus, even if the teachings of the Ihara reference, the Mackintosh reference, and the Rindsberg reference are combined as suggested by the Examiner, not all of the limitations of claims 1 are met. Hence, claim 1 would not have been obvious over Ihara reference, the Mackintosh reference, and the Rindsberg reference.

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Since claims 4-12 depend from claim 1, these dependent claims include the limitations of claim 1. Accordingly, claims 4-12 would also not have been obvious over the Ihara reference, the Mackintosh reference, and the Rindsberg reference.

For the forgoing reasons, Applicant respectfully requests that the rejection of claims 1, and 4-12 under 35 U.S.C. § 103(a) be withdrawn.

Claims 14, 15, and 16

Independent claims 14, 15, and 16 recite “said update unit extracts the music information which is not recorded in the reception side memory unit from the received music database information as the difference in music information and stores the same in the reception side memory unit,” As discussed above, the Ihara reference does not teach or suggest this recited feature. The Mackintosh reference also does not teach or suggest this recited feature. The Rindsberg reference also does not teach or suggest this recited feature. Thus, even if the teachings of the Ihara reference, the Mackintosh reference, and the Rindsberg reference are combined as suggested by the Examiner, not all of the limitations of claims 14, 15 and 16 are met. Hence, claims 14, 15 and 16 would not have been obvious over the Ihara reference, the Mackintosh reference, and the Rindsberg reference.

For the forgoing reasons, Applicant respectfully requests that the rejection of claims 14, 15, and 16 under 35 U.S.C. § 103(a) be withdrawn.

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CONCLUSION

Applicant respectfully submits that claims 1, 4-12 and 14-16 are in condition for allowance and notification to that effect is earnestly requested. If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 502432.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: August 14, 2008

/David N. Fogg/

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